

To: Cohen, Adam[Adam.Cohen@dgsllaw.com]
Cc: Seter, David[Seter.David@epa.gov]; Ball, Harold[Ball.Harold@epa.gov]
From: Collins, Jim
Sent: Fri 10/21/2016 9:42:46 PM
Subject: RE: Yerington Mine Site - Letter re Domestic Well Monitoring and Bottled Water Programs

Adam,

We've had an opportunity to review the attachments you sent with your email and to discuss this matter internally. We acknowledge that references were made to ARC's future intent regarding the BWP and DWMP in routine project documents, but it is still EPA's position that the formal modification process set out in the Orders should have been followed.

In any event, EPA's forthcoming written response to ARC's September 1 letter will retroactively agree to the modifications already made by ARC in the BWP and the DWMP, as we discussed. Going forward, we anticipate that ARC will request modifications as provided in the Orders.

Jim Collins

Assistant Regional Counsel

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From: Cohen, Adam [mailto:Adam.Cohen@dgsllaw.com]
Sent: Thursday, October 20, 2016 4:30 PM
To: Collins, Jim <Collins.Jim@epa.gov>
Cc: Cohen, Adam <Adam.Cohen@dgsllaw.com>
Subject: FW: Yerington Mine Site - Letter re Domestic Well Monitoring and Bottled Water Programs

Jim – Thank you for your call today about ARC's September 1, 2016 letter request. As I pointed

out, ARC had previously informed EPA that changes to the Domestic Well Monitoring Program and Bottled Water Program would be coming as properties were connected to the City of Yerington municipal water system and also to account for connections to the YPT water treatment system. See attached excerpt (page 74) from the 2015 Annual Domestic Well Monitoring Report submitted to EPA on February 19, 2016. ARC's monthly progress reports began including similar language earlier this year. The June 6, 2016 Monthly Report (for May 2016) stated that "the number of domestic wells requiring monitoring will decrease as properties continue to be connected to the Yerington municipal system, and domestic wells are taken out of service," and that "ARC will be requesting approval from EPA to curtail the Bottled Water Program as properties that are currently receiving bottled water continue to be connected to the Yerington municipal system." Similar language appeared in the Monthly Reports submitted on July 6, August 9, September 9, and October 10. Let me know if you have any questions about the attached documents.

Adam S. Cohen • Partner

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A LexMundi Member

From: Cohen, Adam

Sent: Thursday, September 01, 2016 10:39 AM

To: Seter, David

Cc: Cohen, Adam; Ball, Harold (Ball.Harold@epa.gov); rodriguez.dante@epa.gov; J. Andrew Helmlinger (Helmlinger.Andrew@epa.gov); glovato@ndep.nv.gov; jrcollins@ndep.nv.gov; JGARDNER@ndep.nv.gov; Halsey, Ronald H; 'Block, Nathan'; Gallery, Patricia A (patricia.gallery@bp.com); Brian.S.Johnson@bp.com; Chuck Zimmerman (CZimmerman@brwncauld.com); Dan Ferriter (dan.ferriter@copperenv.com); jbatchelder@envirosolve.com

Subject: Yerington Mine Site - Letter re Domestic Well Monitoring and Bottled Water Programs

Dave – I'm forwarding the attached letter on Jack Oman's behalf. It summarizes completion of the Yerington City water system extensions to properties north of the mine site, and it requests confirmation from EPA that domestic well monitoring and bottled water deliveries can be discontinued for these properties and also for properties receiving treated water from the YPT system. Please contact Jack with any related questions.

Adam S. Cohen

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